REMARKS/ARGUMENTS

The non-Final Office Action dated July 11, 2007 has been reviewed and considered. Claims 1, 5, 15, 25-46, 48, and 49 are withdrawn from consideration pursuant to a restriction requirement made by the Office on October 12, 2006. Claims 2-4, 6-14 and 16-24 were previously canceled. Claim 47 has been amended.

Claim 47 stands rejected under 35 U.S.C. §112, first paragraph as failing to provide an enabling disclosure. Applicants respectfully traverse this rejection because the claimed method is sufficiently described in the application to enable one of ordinary skill in the art to make and use the claimed algorithm in the claimed method. In particular, it is noted that there is no dispute by the Examiner that one of ordinary skill would be able to use the claimed method based on various examples of the algorithm described in the specification. That is, one of ordinary skill in the art would be able to utilize not only the exemplary algorithms but other algorithms similar to the ones described in the specification by varying some of the values and variables, as long as such variation allows for sufficient correlation between a predicted value of the algorithm and the actual measurement values, as described at, for example, page 84, lines 8-19. Hence, one of ordinary skill would be able to make and use the claimed algorithm and variations on the claimed algorithm as recited in claim 47 without undue experimentation. Accordingly, this rejection should be withdrawn because the claimed algorithm and method have been enabled by the originally filed application.

Claim 47 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Office Action alleges that recitation of the term "algorithm" renders claim 47 indefinite because the claim does not define this algorithm.

Applicants respectfully submit that the word "algorithm," in the context of its usage of other words and phrases in the claim, has been defined with sufficient clarity and precision such that one of ordinary skill in the art would be apprised of the scope of such claim. *See* MPEP § 2173.02 at p. 2100-218 (Rev. 6, Sept. 2007), which states that *"[t]he Examiner's focus during examination ...with the requirement of 35 U.S.C. 112, second paragraph is whether the claims meet the threshold of clarity and precision, not whether more suitable language or modes of expression are available."*

However, in the interest of compact prosecution, applicants have amended claim 47 to recite, as examples, the algorithms described and shown in the originally filed disclosure. Support for the amendment to claim 47 is provided in the originally filed application at, for example, pages 80-82 and pages 86-88. Applicants reiterate that the scope of the algorithms recited in claim 47 is generic for any algorithms that can be utilized to predict the claimed measurement values, as recited in claim 47. Accordingly, this rejection should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and applicants earnestly solicit early examination on the merits and issuance of a Notice of Allowance for claim 47. Should the Examiner believe that any additional information or amendment is necessary to place the application in condition for allowanced, he is urged to contact the undersigned Attorney via telephone at 408-942-5721 or facsimile number 408-956-4404.

The Commissioner is hereby authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any overpayment to Deposit Account No. 10-0750 (Docket No. ANM5110USCNT2/KQT) (Johnson & Johnson).

Respectfully submitted,

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s/Khoi Ta/
Khoi Q. Ta
Reg. No. 47,300

Johnson & Johnson
International Patent Law Division
Attn: Philip Johnson
P.O. Box 1222
New Brunswick, NJ 08903
(408) 942-5721